

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

GRANT BARFUSS, on behalf of himself and all others similarly situated,

Plaintiffs

v.

DGSE COMPANIES, INC.; L.S. SMITH, JOHN BENSON, AND WILLIAM OYSTER,

Defendants

No. 12 Civ. 3664 (JJB)  
ECF Case

**NOTICE OF UNOPPOSED MOTION FOR (I) PRELIMINARY APPROVAL OF SETTLEMENT; (II) PRELIMINARY CERTIFICATION OF THE SETTLEMENT CLASS; (III) APPROVAL OF FORM AND MANNER OF NOTICE; AND (IV) APPOINTMENT OF SETTLEMENT ADMINISTRATOR**

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

As required by Rule 23(e) of the Federal Rules of Civil Procedure and pursuant to the Court's June 18, 2013 Order (ECF No. 44), Lead Plaintiff Hillel Hyman ("Lead Plaintiff") respectfully moves this Court for an order that, among other things: (i) preliminarily approves a settlement of this action; (ii) preliminarily certifies a class for settlement purposes; (iii) approves the form and manner of notice of the proposed settlement to the members of the settlement class; and (iv) appoints a settlement administrator.

The following documents shall be submitted to the Court in support of Lead Plaintiff's motion: (1) Stipulation of Settlement dated July 3, 2013 ("Stipulation") with exhibits attached thereto; (2) Memorandum of Law in Support of Lead Plaintiff's Unopposed Motion for (I) Preliminary Approval of Settlement; (II) Preliminary Certification of the Settlement Class; (III) Approval of Form and Manner of Notice; and (IV) Appointment of Settlement Administrator ("Mem. of Law"); (3) Appendix to the Mem. of Law; and (4) a proposed Order Preliminarily Approving Proposed Settlement and Providing for Notice ("Proposed Order").

The Proposed Order is attached as Exhibit A to the Stipulation and is concurrently being submitted to the Court via email pursuant to the Court's individual rules of practice. Defendants have approved the Proposed Order, and support the Court's entry of the Proposed Order.

DATED: New York, New York      Respectfully Submitted,  
July 3, 2013

**KIRBY McINERNEY LLP**

By: /s/ Ira M. Press

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Proposed Class*

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*Liaison Counsel for Lead Plaintiff and the Proposed  
Class*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was forwarded to all counsel of record through the Court's ECF system on July 3, 2013.

/s/ Ira M. Press  
Ira M. Press, Esq.